

Change of Zone 05026

ORDINANCE NO. _____

1 AN ORDINANCE amending the City of Lincoln Zoning District Maps attached to
2 and made a part of Title 27 of the Lincoln Municipal Code, changing the boundaries of the
3 districts established and shown on said City of Lincoln Zoning District Maps as provided in
4 Section 27.05.020 of the Lincoln Municipal Code and approving the designation of the area
5 hereinafter described as a planned unit development.

6 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

7 Section 1. That the "Lincoln Zoning District Maps" attached to and made a
8 part of Title 27 of the Lincoln Municipal Code be and they are hereby amended by changing the
9 boundaries of the districts established and shown on said Zoning District Maps as follows:

10 Outlot E, Country Meadows, a portion of Lot 36 I.T., and a portion
11 of Lot 155 I.T., all located in the North Half of Section 16,
12 Township 9 North, Range 7 East of the 6th P.M., Lancaster
13 County, Nebraska, and more particularly described as follows:

14 Commencing at the southwest corner of said Lot 155 I.T., said
15 point being the southeast corner of Lot 88 I.T., said point being
16 the true point of beginning; thence north along a west line of said
17 Lot 155 I.T., on an assumed bearing of north 00 degrees 03
18 minutes 13 seconds west, a distance of 280.07 feet to a point;
19 thence north 35 degrees 30 minutes 14 seconds east, a distance
20 of 864.58 feet to a point of intersection with a northeast line of Lot
21 36 I.T.; thence south 54 degrees 29 minutes 46 seconds east
22 along a northeast line of said Lot 36 I.T., a distance of 507.10 feet
23 to the northeast corner of said Lot 36 I.T., said point being the
24 northwest corner of Outlot E, Country Meadows; thence south 54
25 degrees 29 minutes 48 seconds east along a northeast line of
26 said Outlot E, a distance of 307.34 feet to a north corner of said
27 Outlot E; thence south 47 degrees 32 minutes 08 seconds east
28 along a northeast line of said Outlot E, a distance of 110.81 feet
29 to a north corner of said Outlot E; thence south 62 degrees 59
30 minutes 47 seconds east along a northeast line of said Outlot E, a
31 distance of 90.95 feet to a north corner of said Outlot E; thence
32 south 54 degrees 31 minutes 20 seconds east along a northeast
33 line of said Outlot E, a distance of 482.57 feet to a northeast
34 corner of said Outlot E; thence south 00 degrees 05 minutes 02

seconds west along an east line of said Outlot E, a distance of 10.53 feet to an east corner of said Outlot E; thence south 35 degrees 06 minutes 21 seconds west along a southeast line of said Outlot E, a distance of 127.02 feet to a point of curvature of a non tangent curve; thence along a curve in a clockwise direction, having a delta angle of 00 degrees 13 minutes 28 seconds, a radius of 513.12 feet, an arc length of 2.01 feet, a chord bearing of south 34 degrees 54 minutes 22 seconds west along a southeast line of said Outlot E, and a chord distance of 2.01 feet to the southeast corner of said Outlot E; thence north 89 degrees 58 minutes 34 seconds west along the south line of said Outlot E, a distance of 733.95 feet to the southwest corner of said Outlot E, said point being the southeast corner of Lot 36 I.T.; thence north 89 degrees 56 minutes 43 seconds west along the south line of said Lot 36 I.T., a distance of 500.47 feet to the southwest corner of said Outlot E, said point being the southeast corner of Lot 155 I.T.; thence north 89 degrees 55 minutes 11 seconds west along the south line of said Lot 155 I.T., a distance of 412.00 feet to the point of beginning, said tract contains a calculated area of 982,931.36 square feet or 22.5650 acres, more or less;

be and they hereby are (1) transferred from the AG Agricultural District to the R-1 Residential District and are hereby made a part of the R-1 Residential District (2) designated as a Planned Unit Development pursuant to and in accordance with Chapter 27.60 of the Lincoln Municipal Code entitled "Planned Unit Development District" and (3) governed by all the provisions and regulations pertaining to the R-1 Residential District except as modified in Section 3 below.

Section 2. That the "Lincoln Zoning District Maps" attached to and made a part of Title 27 of the Lincoln Municipal Code be and they are hereby amended by changing the boundaries of the districts established and shown on said Zoning District Maps as follows:

Lot 123 I.T., Lot 156 I.T., Lot 88 I.T., a portion of Lot 155 I.T., and a portion of Lot 36 I.T., all located in the North Half of Section 16, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the southeast corner of said Lot 88 I.T., said point being the southwest corner of said Lot 155 I.T., said point being the true point of beginning; thence west along the south line of said Lot 88 I.T., on an assumed bearing of north 89 degrees 55 minutes 11 seconds west, a distance of 713.76 feet to a southwest corner of said Lot 88 I.T.; thence north 37 degrees 44 minutes 12 seconds west along a southwest line of said Lot 88 I.T., a distance of 316.98 feet to a west corner of said Lot 88 I.T.; thence north 00 degrees 01 minutes 47 seconds west along a

1 west line of said Lot 88 I.T., and the west line of Lot 123 I.T., a
2 distance of 1,712.95 feet to the northwest corner of said Lot 123
3 I.T.; thence north 89 degrees 57 minutes 28 seconds east along a
4 north line of said Lot 123 I.T., a distance of 50.79 feet to a north
5 corner of said Lot 123 I.T.; thence south 48 degrees 25 minutes
6 20 seconds east along a northeast line of said Lot 123 I.T., a
7 distance of 359.86 feet to a north corner of said Lot 123 I.T.;
8 thence south 59 degrees 21 minutes 17 seconds east along a
9 northeast line of said Lot 123 I.T., and a northeast line of Lot 156
10 I.T., a distance of 330.85 feet to a north corner of said Lot 156
11 I.T.; thence south 54 degrees 33 minutes 46 seconds east along
12 a northeast line of said Lot 156 I.T., a distance of 70.04 feet to a
13 north corner of said Lot 156 I.T.; thence south 35 degrees 30
14 minutes 08 seconds west along an east line of said Lot 156 I.T., a
15 distance of 90.51 feet to a north corner of said Lot 156 I.T.;
16 thence south 54 degrees 32 minutes 44 seconds east along a
17 northeast line of said Lot 156 I.T., a distance of 230.00 feet to a
18 north corner of said Lot 156 I.T.; thence south 65 degrees 06
19 minutes 38 seconds east along a northeast line of said Lot 156
20 I.T., and a northeast line of Lot 155 I.T., a distance of 315.35 feet
21 to a north corner of said Lot 155 I.T.; thence north 35 degrees 20
22 minutes 01 seconds east along a northwest line of said Lot 155
23 I.T., a distance of 32.94 feet to a north corner of said Lot 155 I.T.;
24 thence south 54 degrees 36 minutes 32 seconds east along a
25 northeast line of said Lot 155 I.T., a distance of 267.53 feet to the
26 northeast corner of said Lot 155 I.T., said point being the
27 northwest corner of Lot 36 I.T.; thence south 54 degrees 29
28 minutes 46 seconds east along a northeast line of said Lot 36 I.T.,
29 a distance of 111.58 feet to a point; thence south 35 degrees 30
30 minutes 14 seconds west, a distance of 864.58 feet to a point of
31 intersection with the west line of Lot 155 I.T.; thence south 00
32 degrees 03 minutes 13 seconds east along the west line of said
33 Lot 155 I.T., said line being an east line of Lot 88 I.T., a distance
34 of 280.07 feet to the point of beginning, said tract contains a
35 calculated area of 1,704,570.45 square feet or 39.1315 acres,
36 more or less;

37 be and they hereby are (1) transferred from the AG Agricultural District to the B-2 Planned
38 Neighborhood Business District and are hereby made a part of the B-2 Planned Neighborhood
39 Business District (2) designated as a Planned Unit Development pursuant to and in accordance
40 with Chapter 27.60 of the Lincoln Municipal Code entitled "Planned Unit Development District"
41 and (3) governed by all the provisions and regulations pertaining to the B-2 Planned
42 Neighborhood Business District except as modified by the Development Plan approved in
43 Section 3 below.

1 Section 3. Apple's Way, LLC and Uno Properties' Development Plan for
2 Apple's Way Planned Unit Development as set forth in their application and the site plan be and
3 the same is hereby approved upon condition that construction and operation of said Planned
4 Unit Development by Apple's Way, LLC and Uno Properties and their successors and assigns
5 be in strict compliance with said application, the site plan, and the following express terms and
6 conditions and requirements:

7 a. This approval permits 32 dwelling units and 235,000 square feet of
8 commercial and office floor area.

9 b. Revise the site plan as follows:

- 10 i. Show land use nodes in the B-2 designating no more than
11 50,000 square feet of office floor area between South 63rd
12 Street and the R-1, and no more than 185,000 square feet
13 of commercial floor area west of South 63rd Street, not
14 exceeding a total of 235,000 square feet overall.
15 Adjustments to allow office floor area to be reallocated and
16 used as commercial floor area west of South 63rd Street may
17 be approved administratively.
- 18 ii. Show a minimum 50' wide landscaped buffer area between
19 the R-1 and adjacent commercial uses.
- 20 iii. Add the following note: "The specific layout of the
21 commercial nodes will be approved administratively prior to
22 final plat approval."
- 23 iv. Show all required screening, and add a note that states:
24 "Individual lot landscaping for all office and commercial
25 buildings will be reviewed at the time of building permits.
26 Street trees to be reviewed at time of final plat and assigned
27 by Parks and Recreation."
- 28 v. Provide sidewalks along both sides of all interior streets and
29 private roadways and provide sidewalks from there to the
30 front door of each commercial building.
- 31 vi. Designate a 175' setback to commercial/office parking
32 including driveways and a 200' setback to commercial/office
33 buildings from the centerline of Highway 2.
- 34

- i. The private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosion control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, and street name signs, have been completed or provisions (bond, escrow or security agreement) to guarantee completion must have been submitted to the City and approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.
- ii. The Permittee as Subdivider has signed an agreement that binds the Subdivider and Subdivider's successors and assigns:
- (1) To complete the paving of all public streets and private roadways shown on the final plat within two (2) years following the approval of this final plat.
 - (2) To complete the installation of sidewalks along both sides of all interior streets and private roadways as shown on the final plat within four (4) years following the approval of the final plat.
 - (3) To complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
 - (4) To complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
 - (5) To complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
 - (6) To complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat
 - (7) To complete the installation of private and private street lights within this plat within two (2) years following the approval of the final plat.
 - (8) To complete the planting of the street trees along all streets and along Highway 2 within four (4) years following the approval of the final plat.

- 1
2
3
- (9) To complete the planting of the landscape screen along Highway 2 within this plat within two (2) years following the approval of the final plat.
- 4
5
- (10) To complete the installation of the street name signs within two (2) years following the approval of the final plat.
- 6
7
8
9
10
- (11) To complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
- 11
12
13
14
- (12) To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
- 15
16
- (13) To complete the public and private improvements shown on the Planned unit Development.
- 17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
- (14) The Subdivider agrees to maintain the outlots and private improvements on a permanent and continuous basis, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of stormwater detention/retention facilities as they were designed and constructed within the development and these are the responsibility of the Subdivider. Subdivider further agrees to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis. However, the Subdivider may be relieved and discharged of such maintenance obligations only upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:
- 33
34
35
36
37
38
39
- (a) Subdivider shall not be relieved of Subdivider's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans; and
- 40
41
42
43
- (b) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have

been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

- (15) To continuously and regularly maintain the street trees along the private roadways and landscape screens.
- (16) To submit to the lot buyers and home builders a copy of the soil analysis.
- (17) To pay all design, engineering, labor, material, inspection, and other improvement costs including any costs for any improvements in Highway 2 required to allow turning movements into this site.
- (18) To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- (19) To protect the trees that are indicated to remain during construction and development.
- (20) To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
- (21) To relinquish the right of direct vehicular access to Highway 2 except as shown.

f. Before receiving building permits:

- i. The Permittee shall have submitted a revised and reproducible final plan and the plans are acceptable:
- ii. The construction plans shall comply with the approved plans.
- iii. Final plats shall be approved by the City.
- iv. The Permittee has signed an agreement that binds the Permittee and Permittee's successors and assigns to pay for the design and installation of any required turn lanes in Highway 2.

g. Before occupying the dwelling units and commercial buildings all

development and construction shall have been completed in compliance with the approved

1 plans.

2 h. All privately-owned improvements shall be permanently maintained by the
3 owner or an appropriately established owners association approved by the City Attorney.

4 i. The site plan approved by this permit shall be the basis for all
5 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
6 elements, and similar matters.

7 j. This ordinance's terms, conditions, and requirements bind and obligate
8 the Permittee, its successors and assigns.

9 k. The City Clerk shall file a copy of the ordinance approving the permit and
10 the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee
11 in advance.

12 Section 4. That this ordinance shall take effect and be in force from and after
13 its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2005:

Mayor